

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

School Education Department - Suits - A.P. High Court - C.C.No.275/ 2007 in W.P.M.P.No. 30765/ 2006 in W.P.No.24095/2006 filed by Sri Ch.Venkateswarlu and Smt.B.Josephin Rani SGTs working in Siva Sai U.P. School, Markapur, Prakasam District for payment of salaries in Grant-in-Aid posts.- Implementation of orders of Hon'ble High Court pending final out come of orders of Hon'ble High Court in W.P.No.24095/2006 and orders in W.A. against the orders of High Court in W.P.No.23889/2007 dated 13.11.2007 - Orders - Issued.

EDUCATION (SE-PS.II) DEPARTMENT

G.O.Rt.No. 265

Dated:05/05/2009.
Read the following:-

- 1) Govt.Memo.No.12080/COSE/A2/2004, Dated 20.10.2004.
- 2) Orders dt.01.08.2005 in W.P.No.16808/2005 filed by the Correspondent, Siva Sai Elementary School, Markapur, Prakasam District.
- 3) The District Educational Officer, Proceedings.NO.103/C3/2004, dated:01.09.2005.
- 4) G.O.Rt.No.792 Education(S.E.P.S.II) Deptt.,. Dated 18.10.2007.
- 5) Hon'ble High Court orders in W.P.M.P.No.30765/2006 in W.P.No.24095/2006, Dated:20.11.2006.
- 6) Hon'ble High Court orders in C.C.No.275/2007 in W.P.No. 24095/ 2006 dated: 15.11.2008.
- 7) Hon'ble High Court orders in W.P.M.P.No.31116/2007, in W.P. No.23889/2007 Dated: 13.11.2007.
- 8) W.P.No.23436/2007 filed by Correspondent Siva Sai U.P. School, Markapur.
- 9) Hon'ble High Court orders in W.A.No.109985/2008, dated 18.10.2008.

ORDER:

The Correspondent, Siva Sai U.P. School Markapur on 20.6.2004 has selected Sri Ch.Venkateswarlu & Smt.B. Josephin Rani, for the posts of SGTS in the Aided vacancies in Siva Sai Upper Primary School, Markapur, Prakasam District and send the list to the District Educational Officer,, Prakasam District for approval. The District Educational Officer, Prakasam rejected the proposal on the plea that the selection made by the Correspondent was inviolation of rule 12 (6) of G.O.Ms.No.1 Edn. Dated 1.1.1994 and requested for revision. The Correspondent of Siva Sai Upper Primary School, Markapur filed W.P.No.16808/2005 in the High Court of A.P., for approval of two SGTs of Sri Ch.Venkateswarlu and Smt.B.Josephin Rani.

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2. The Hon'ble High Court in its orders dated.01.08.2005 in W.P.No.16808/05 directed the District Educational Officer, to consider the approval of the selected candidates. The District Educational Officer vide his Proceedings No.103/C3/04, dated 1.9.2005 issued orders approving the appointments of the two SGTs working in Siva Sai Elementary School, Markapur, Prakasam District. Based on the orders of the District Educational Officer, Prakasam District, the two Secondary Grade Teachers are working in Siva Sai Elementary School, Markapur with effect from 1.9.2005. They were given stipend upto April 2006. When the salary bills for May'2006 to September '2006 of the two SGTs were sent to the District Educational Officer Prakasam District it was noticed that they were appointed during the ban period without the approval of Government. Sri Ch.Venkateswarlu and Smt. B.Josephin Rani filed W.P.No.24095/2006 in the Hon'ble High Court for payment of current salaries.

3. When the matter has been brought to notice to the Government, Government in G.O.Rt.No.792 Edn. Dated 18.10.2007 cancelled the approval of appointment orders issued by the District Educational Officer, Prakasam District, on the reason that there is ban on recruitment for filling up of GIA posts issued vide Memo.No.12080/COSE/A2/2004, dated 20.10.2004 and the District Educational Officer, is not competent to approve the appointments without seeking relaxation of ban orders from Government.

4. Against the said orders, Sri Ch.Venkateswarlu and Smt.B. B.Josephin Rani filed W.P. No.23889/2007 in the Hon'ble High Court challenging the orders issued in G.O.Rt.No.792 Edn. Dated 18.10.2007 canceling the proceedings of the District Educational Officer, Prakasam District, dated 1.9.2005 in which approval of the appointment orders were issued by the District Educational, Prakasam District. The Correspondent, Siva Sai Upper Primary School, Markapur, Prakasam District has also filed W.P.No.23436/2007 on the same subject.

5. The Hon'ble High Court in W.P.M.P.No.30765/2006 in W.P.No.24095/2006 dated 20.11.2006 directed the respondents as under:

"Petitioners were appointed as Secondary Grade Teachers in the second respondent school. When their appointments were not being approved by the competent authority, the Management of the school had filed W.P.No.16808 of 2005 before this court and the same was disposed of directing the competent authority to consider

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the proposals sent by the Management. It is stated that subsequently proposals were approved by the competent authority on 01.09.2005, consequent to which petitioners were issued appointment orders.

The grievance of the petitioners is that though they were paid salaries initially, salaries were withheld from May.2006.

Learned Government Pleader submits that salaries were not paid to the petitioners as orders imposing ban were issued.

However, it is to be noted that appointment of petitioners was approved by the competent authority pursuant to the orders of this court and when the said orders are in force, prima facie, there appears no reasons for withholding the salaries of the petitioners.

In that view of the matter, there shall be a direction to the respondents, to pay current salaries to the petitioners, pending further orders”.

6. The petitioners have also filed C.C.No.275/2007 for non-complying the orders of Hon'ble High Court in W.P.M.P.No.30765/2006 in W.P.No.24095/2006 dated 20.11.2006. Against the said orders Government have filed Writ Appeal (SR) No.109985/08 against the orders in C.C.No.275/2007 in W.P.M.P.No. 30765/2006 in W.P.No.24095/2006. The Hon'ble High Court in its orders dated 18.10.2008 dismissed the Writ appeal as withdrawn with a liberty to avail the remedies open to the appellant under Law.

7. The Hon'ble High Court also suspended the orders issued in G.O.Rt.No.792 Edn. Dated 18.10.2007 in interim orders in W.P.M.P.No.31116/2007 in W.P.No.23889/2007. Against the said interim orders Government have filed Writ Appeal and Writ Appeal is pending on the file of the Hon'ble High Court.

8. The orders of Hon'ble High Court dated 18.10.2008 in W.A.No.109985/2008 have been examined in consultation with Law & Finance Departments and decided to accord sanction of salaries from the Grant-in-Aid from the date of their actual working as SGTs pending final outcome of orders in W.P.No. 24095/2006 and Writ Appeal against the orders in W.P.No. 23889/2007.

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9. Government accordingly direct that the pay and allowances of Sri Ch.Venkateswarlu and Smt. B.Josephin Rani SGTs working in Siva Sai Upper Primary School, Markapur, Prakasam District be sanctioned from the Grant-in-Aid from May"2006 as per the interim orders of Hon'ble High Court, dt.20.11.2006 in W.P.M.P.No.30765/2006 in W.P.No.24095/2006 pending out come of judgement in W.P.No. 24095/2006 and orders in Writ Appeal against the orders in W.P.M.P.No.31116/2007 in W.P.No.23889/2007, dated.13.11.2007.

10. The expenditure shall met from B.E. provision available under relevant Sub-Head.

11. The Director of School Education, Hyderabad, is requested to take necessary action accordingly.

12. This order issues with the concurrence of Finance (EW) Department vide their .U.O.No. 11547/216/ ESE/ 2009, Dated 28.04.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.R.KISHORE
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director of School Education, A.P., Hyderabad.
The District Educational Officer, Prakasam District.
Copy to the Director of Treasuries & Accounts, A.P., Hyderabad.
Copy to the District Treasury Officer, Prakasam District.
Copy to the Correspondent of Siva Sai U.P. School, Markapur.
Copy to the Government Pleader for School Education, A.P.,
High Court, Hyderabad.

//FORWARDED :: BY ORDER //

SECTION OFFICER